



U.S. Fish & Wildlife Service

News Release

Pacific Islands External Affairs Office

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U.S. District Court Enforces Settlement Allowing Kona Forest Refuge Access

U.S. District Judge Susan Oki Mollway has ordered two Big Island landowners to sign a written settlement agreement resolving longstanding access and other issues regarding the Kona Forest Unit of Hakalau Forest National Wildlife Refuge no later than February 28. The landowners verbally agreed to the settlement on March 19, 2004, but later raised several other issues and never signed the agreement.

Subsequent to a court hearing on Monday, February 14, Judge Mollway filed her order yesterday granting the U.S. Fish and Wildlife Service's motion to compel settlement of the agreement. Under the terms of the agreement, Nohea Santimer and Moani Zablan will grant the Fish and Wildlife Service access to the Kona Forest Unit along an existing road from Mamalahoa Highway to the northwestern corner of the refuge and along its northern boundary. The landowners will have 90 days to remove their property from refuge lands. The Service has agreed to pay the landowners \$120,000 when the final agreement is signed and the lawsuit has been dismissed.

"We purchased the 5,300-acre property in December 1997 to protect, conserve, and manage its habitat for the critically endangered 'alala or Hawaiian crow and numerous other endangered species," said Jerry Leinecke, project leader for Pacific island national wildlife refuges. "Since 2001, we have had no road access to Kona Forest. Although we have occasionally chartered a helicopter to allow us to conduct surveys and monitor the status of the refuge unit, we basically have not been able to actively manage or protect its resources for the past four years."

Once the last remaining habitat for 'alala in the wild, natural resource values have declined significantly during the past four years due to the Fish and Wildlife Service's inability to work regularly on the refuge unit to erect fences, remove feral cattle and pigs, or control weeds, Leinecke said. The last sighting of a wild 'alala was in 2002, and biologists fear the only remaining birds are those in captivity at the San Diego Zoo's Keauhou and Maui Bird Conservation Centers.

A \$1 million grant from the Packard Foundation for habitat management fencing at the Kona Forest Unit had to be returned to the foundation last year because construction could not take place without access to the property. With no resolution to the access issue in sight, the refuge office in South Kona was closed in 2003 and the staff transferred to other locations.

"We are very grateful to District Judge Mollway, United States Attorney Edward Kubo, Jr., and Assistant U.S. Attorney Harry Yee for their efforts to resolve these longstanding issues," Leinecke said. "We look forward to getting back to work on the refuge; despite its deterioration over the past several years, it's still a vital piece in a network of lands on the Big Island that will ensure the survival of many of Hawaii's embattled native species."

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The Kona Forest Unit was purchased from the Les Marks Trust in 1997 for \$7,780,000. Although the purchase agreement provided for access across remaining LMT lands, the landowners refused to grant the easements. In August 2002, Santimer and Zablan filed suit against the Secretary of the Interior and several Fish and Wildlife Service employees seeking resolution of their claims to relocate their property off of the refuge. This global settlement agreement resolves both the relocation and access issues between the two parties.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting, and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 545 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 63 Fish and Wildlife Management offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.